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1 — 'I had nothing else to do but cry': Farmers mourn toxic river plume while EPA copes with fallout, Washington Post, 8/12/2015

<http://wapo.st/1UESpCp>

The warning came last Thursday: A vast, poisonous plume of mine waste had been accidentally released into a Colorado creek, and it was now streaming inexorably toward the San Juan river.

2 — Tribe warns residents not to use EPA forms after spill, USA Today, 8/13/2015

<http://usat.ly/1hzy8jf>

Navajo Nation President Russell Begaye has warned tribal residents to avoid using the U.S. Environmental Protection Agency's form for claims of damage or injury as a result of the Gold King Mine spill.

3 — EPA chief: Colorado river hit by mine waste back to pre-spill quality, Reuters, 8/12/2015

<http://www.reuters.com/article/2015/08/13/us-usa-colorado-spill-idUSKCN0QH2KN20150813>

The water quality of a southwestern Colorado river rendered bright orange by toxic waste spewed from an abandoned gold mine one week ago has returned to pre-spill levels, the U.S. Environmental Protection Agency chief said on Wednesday.

4 — Mine waste has fouled the Animas River before, USA Today, 8/13/2015

<http://usat.ly/1h5IpUr>

In 1978, after a mine shaft beneath a high-altitude lake north of Silverton, Colo., collapsed releasing millions of gallons of sediment-laden water that found its way into the Animas River, neither federal nor state officials in Colorado notified New Mexico of the incident.

5 — After Colorado Waste Spill, E.P.A. Halts Field Investigations, The New York Times, 8/12/2015

<http://nyti.ms/1EoQrb>

After a contractor for the Environmental Protection Agency accidentally caused a mine to burst during a field investigation — releasing more than three million gallons of toxic waste — the agency's top official said Wednesday that she had halted all similar investigations until further notice.

6 — Animas River spill leaves Colorado, neighbors weighing EPA lawsuit, Denver Post, 8/12/2015

http://www.denverpost.com/news/ci_28626632/animas-river-lawsuit-against-epa-table-colorado-ag

The attorneys general of Colorado, New Mexico and Utah said Wednesday that a lawsuit against the Environmental Protection Agency is an option in the wake of a massive mine wastewater spill caused by the agency.

7 — EPA Contractor Involved in Colorado Spill Identified as Environmental Restoration, Wall Street Journal, 8/12/2015

<http://on.wsj.com/1HlvFlu>

Missouri-based Environmental Restoration LLC was the contractor whose work caused a mine spill in Colorado that released an estimated 3 million gallons of toxic sludge into a major river system, according to an Environmental Protection Agency official and government documents reviewed by The Wall Street Journal.

8 — EPA officials promise analysis of river contamination today, Albuquerque Journal, 8/12/2015

<http://www.abqjournal.com/627152/news-around-the-region/epa-officials-promise-analysis-of-river-contamination-today.html>

EPA officials offered little new information Tuesday afternoon on pollution levels in the Animas River after agency workers accidentally released an estimated 3 million gallons of mine wastewater contaminated with heavy metals into the river a week ago.

9 — Utah AG hints at legal action over mine spill, Salt Lake Tribune, 8/12/2015

<http://www.sltrib.com/news/2831896-155/with-hints-of-mine-sludges-arrival>

With the apparent arrival of an acidic mine waste plume in the San Juan River south of Bluff, Utah politicians kicked into gear Wednesday, with the governor declaring a state of emergency and the state's attorney general hinting at legal action.

10 — Experts See Long-Term Risks From Colorado Mine Spill, AP, 8/12/2015

<http://abcnews.go.com/Technology/wireStory/navajo-nation-feels-brunt-colorado-mine-leak-33029837>

Toxic waste that gushed from a Colorado mine and threatened downstream water supplies in at least three states will continue to be dangerous when contaminated sediment gets stirred up from the river bottom, authorities said Wednesday, suggesting there is no easy fix to what could be a long-term public health risk.

11 — Colo. state health dept. says Animas water OK to treat for drinking, Denver Post, 8/12/2015

http://www.denverpost.com/news/ci_28629387/colo-state-health-dept-says-animas-water-ok

The state health department has told Durango officials that they can once again draw in water from the Animas River for drinking water treatment facilities.

12 — Attorney General Reyes Issues Statement Following Briefings with Colorado & New Mexico Attorneys General on Gold King Mine Spill, Reuters, 8/12/2015

<http://www.reuters.com/article/2015/08/13/epa-gold-king-mine-spill-idUSnBw126429a+100+BSW20150813>

Utah Attorney General Sean Reyes today joined Colorado Attorney General Cynthia H. Coffman and New Mexico Attorney General Hector Balderas in Durango, Colo., to share information and discuss the immediate and possible long term impacts of the Environmental Protection Agency's (EPA) Gold King Mine spill with concerned citizens.

13 — States Affected By The Gold King Mine Spill Pressure EPA On, Colorado Public Radio, 8/13/2015

<http://www.cpr.org/news/story/states-affected-gold-king-mine-spill-pressure-epa-cleanup>

Nearly 3 million gallons of contaminated wastewater from Colorado's Gold King mine has made its way into the Animas River since an EPA mistake last week. The wastewater began spilling last Wednesday when an EPA-supervised cleanup crew accidentally breached a debris dam that was flowing at 550 gallons per minute.

14 — By the numbers: The massive toll of the Animas River spill, CNN, 8/13/2015

<http://www.cnn.com/2015/08/13/us/animas-river-spill-by-the-numbers/>

The environmental crew had one job: pump out and treat contaminated water at the Gold King Mine in southern Colorado.

15 — Long-Lasting Effect: 'No Easy Fix' to Rid Colorado Creek of Heavy Metal, AP, 8/13/2015

<http://www.vnews.com/news/nation/world/18156893-95/long-lasting-effect>

The toxic waste gushing from a Colorado mine and threatening downstream water supplies in at least three states will continue to be dangerous whenever contaminated sediments get stirred up from the river bottom, authorities said Wednesday, suggesting that there's no easy fix to what could be a long-term calamity.

16 — EPA Contractor Behind CO Mine Spill Got \$381 Million From Taxpayers, Daily Caller, 8/13/2015

<http://dailycaller.com/2015/08/12/epa-contractor-behind-co-mine-spill-got-381-million-from-taxpayer/>

The EPA may have been trying to hide the identity of the contracting company responsible for causing a major wastewater spill in southern Colorado, but the Wall Street Journal has revealed the company's identity.

17 — Congressional Committee Asks For Investigation Into Animas River Contamination, CBS Denver, 8/13/2015

<http://denver.cbslocal.com/2015/08/12/congressional-committee-asks-for-investigation-into-animas-river-contamination/>

A congressional committee has asked the Environmental Protection Agency Office of the Inspector General to investigate the cause of the wastewater spill into the Animas River and the EPA response.

18 — Hickenlooper drinks Animas River water to make a point, Durango Herald, 8/13/2015

<http://www.durangoherald.com/article/20150812/NEWS01/150819894/Hickenlooper-drinks-Animas-River-water-to-make-a-point->

Gov. John Hickenlooper on Tuesday drank a hearty gulp of the Animas River in an effort to highlight that the river has returned to pre-contamination conditions.

Opinions/editorials

19 — What the Gold Mine Disaster Tells Us (editorial), The New York Times, 8/13/15

<http://www.nytimes.com/2015/08/13/opinion/what-the-gold-mine-disaster-tells-us.html>

The General Mining Law of 1872 is among the last surviving statutes of the boisterous era of westward expansion. Signed by Ulysses S. Grant, it establishes the basic rules for mining hard-rock minerals like gold, copper and uranium on public lands.

20 — Clearing up questions on river spill (opinion), Albuquerque Journal, 8/13/15

<http://www.abqjournal.com/627504/opinion/clearing-up-questions-on-river-spill.html>

Like many New Mexicans, my family and I have been made heartsick by the horrendous spill of mine waste into the Animas River. Like many people, we feel deep connections to the places that have now been polluted.

21 — Now it's EPA that's polluting and stalling: Opinionline, USA Today, 8/12/15

<http://www.usatoday.com/story/opinion/2015/08/12/epa-crisis-polluting-stalling-opinionline/31566319/>

What others are saying about the toxic mine spill in Colorado.

22 — Mine spill a costly, needed wakeup call (editorial), Arizona Daily Sun, 8/13/15

<http://bit.ly/1DMBSby>

Mention "Superfund site" in some towns, and the locals will ask you to lower your voice. The name itself, much less what's in it, can be toxic to tourism and property values. Many turn down the designation and the federal cleanup funds that come with it, hoping the site won't cause problems too big to be fixed locally – and quietly.

Morning Mix

'I had nothing else to do but cry': Farmers mourn toxic river plume while EPA copes with fallout

By Sarah Kaplan August 12

The warning came last Thursday: A vast, poisonous plume of mine waste had been accidentally released into a Colorado creek, and it was now streaming inexorably toward the San Juan river.

Residents of Shiprock, N.M., a Navajo Nation community roughly 130 miles downstream from the spill, could expect to see the plume arrive in a couple of days. All irrigation systems would be turned off, and drinking water would be drawn from an emergency supply stored in tanks in town.

Kim Howe, a young farmer in Shiprock, was stricken.

"I had nothing else to do but cry," she told The Washington Post in a telephone interview.

Howe relies on the town irrigation system to water her eight acres of corn, alfalfa and assorted other vegetables, and her income depends on trading her harvest at the end of the summer.

So she went to the San Juan to pray, then waited.

On Sunday it arrived: a slow-moving, copper-colored stain, less lurid than the mustard-yellow sludge that contaminated rivers farther north, but still "heartbreaking to see," Howe said.

All along the three affected waterways — Cement Creek, where the waste was spilled, Colorado's Animas River and the San Juan — communities have clamored for explanations from the Environmental Protection Agency about the cause and possible consequences of the spill. The agency had accidentally unleashed three million gallons of sludge laden with arsenic, lead and other heavy metals while inspecting the abandoned Gold King Mine high in the western San Juan Mountains.

[What the EPA was doing when it sent yellow sludge spilling into a Colorado creek]

At a news conference in Washington Tuesday, EPA administrator Gina McCarthy took responsibility for the spill.

“It pains me to no end,” she said according to the Associated Press. “I am absolutely, deeply sorry this ever happened,” she also said.

She will be traveling to Colorado on Wednesday to survey the damage.

So far the agency says it hasn’t heard any negative health reports from the site of the spill, and area animals seem to be doing okay. When officials placed cages full of more than 100 fish directly in the mustard-stained river, all but one of them survived. Wild birds with stains on their wings were still able to fly, and no fish die-offs have been reported.

Still, EPA officials have been tight lipped about the exact level of toxins and their possible health threats. They say they need more time to test the water and analyze their results, though preliminary results are promising.

That hasn’t quelled questions and frustrations from people in the affected area. Navajo Nation President Russell Begaye declared a state of emergency Saturday and pledged to sue the EPA to make it pay for its mistake.

“At this point, how long are we going to continue to truck in water? Who’s going to pick up the tab? Are we going to hold these people accountable? I want answers from the EPA, but they’re nowhere to be found,” David Filfred, a Navajo Nation council delegate, told the Associated Press Tuesday. “This is a lifeline. This is our culture. This is who we are.”

Navajo Nation covers a 25,000 square mile swath of New Mexico, Arizona and Utah (an area larger than the entire state of West Virginia), including the entire affected area of the San Juan River. Farming in the area has come nearly to a standstill as intake systems from the river are shut off and water use restricted to drinking and food.

“You can’t describe the extent of hurt that we’ve been thrown into,” farmer Earl Yazzie, who leads the nation’s Shiprock chapter, told the Navajo Times.

“We had plans. We were going to make steamed corn and kneel down bread. Now this happens,” his wife, Cheryle, added. “Looks like we aren’t gonna have our steamed corn. You know what they say, ‘you never make plans.’”

New Mexico Gov. Susana Martinez (R) also condemned the EPA’s response in an interview with Fox News on Tuesday.

“The dangers in the short-term and the long-term are unknown because the EPA has not been communicating,” she said. “... Right now we have people preparing for a lawsuit [against the EPA], if that is what we need to do.”

Colorado Gov. John Hickenlooper (D) offered a more measured critique, saying that while the incident was

“unacceptable,” the EPA’s intentions were good.

[EPA: Estimated leak of mine waste into Colo. river tripled to 3 million gallons]

The agency was attempting to inspect the Gold King mine, which hasn’t been operational since 1923, when a plug failed last Wednesday and unleashed the stream of sludge. The mine was one of several that have been leaching acid and other toxins into waterways for years, killing all the local fish, and the EPA has previously considered designating the area a “Superfund” site.

But residents resisted the intervention, and instead the agency came to an agreement that let local officials direct the cleanup effort. They were only a few weeks into the project when the plug failed, unleashing millions of gallons of wastewater and a new stream of headaches for the EPA.

As of Wednesday, the plume continues to move along the San Juan and is expected to reach Arizona’s Lake Powell later this week. From there, the water will flow into the Colorado River, which supplies drinking water Las Vegas, Los Angeles and much of the Southwest.

But the threat to Lake Powell and the Colorado seems minimal, officials said. Speaking to the Los Angeles Times, U.S. Bureau of Reclamation spokeswoman Justyn Liff said the 3 million gallon spill was about the size of $4\frac{1}{2}$ Olympic-sized pools. By contrast, Lake Powell contains 4.2 trillion gallons of water, comparable to 6.4 million Olympic-sized pools.

Along the Animas and San Juan, the EPA has said that the river flows too quickly for the contaminants to cause an immediate health threat, and heavy metals that will sink to the bottom of the waterways will likely be diluted over time.

In the meantime, Howe says she’ll watch the news with her breath held, hoping for reports that the river is safe or rain is on the way.

“We really depend on water here,” she said. “It impacts our livestock, our corn. Everything around us that’s green. It’s just our whole culture.”

Sarah Kaplan is a reporter for Morning Mix.

Tribe warns residents not to use EPA forms after spill

Joshua Kellogg, The (Farmington, N.M.) Daily Times 1:42 a.m. EDT August 13, 2015

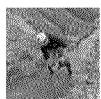


(Photo: Joshua Kellogg, The (Farmington, N.M.) Daily Times)

SHIPROCK, N.M. — Navajo Nation President Russell Begaye has warned tribal residents to avoid using the U.S. Environmental Protection Agency's form for claims of damage or injury as a result of the Gold King Mine spill. (http://www.daily-times.com/ci_28632433)

In the president's Wednesday directive, Navajo Nation Attorney General Ethel Branch advised that the federal form "contains offending language that will waive future claims for individuals that sign the form and preclude our people from seeking full compensation for injuries suffered from the spill."

The memorandum directs all of the tribe's divisions to stop promoting the form unless authorized to do so by the president's office.



USATODAY

Mine waste has fouled the Animas River before

(<http://www.usatoday.com/story/news/nation/2015/08/13/mine-waste-has-fouled-animas-river-before/31597971/>)

In a meeting Wednesday at the Shiprock Chapter house, Robert Joe, the acting chief of staff for the Office of the President and Vice President, said the president's office does not support residents filling out EPA Standard Form No. 95. The form concerns damages to property from the release last week of toxic mine waste into the Animas and San Juan rivers from Gold King Mine north of Silverton, Colo.

"We do not support it. I know the president does not support that. The EPA created the situation, they should be accountable and held responsible," Joe said in an interview after the meeting.

An EPA official could not be reached for comment late Wednesday night.

San Juan County Executive Officer Kim Carpenter spoke during Wednesday's meeting at the Shiprock Chapter house and encouraged people to seek assistance after the spill. In an interview Wednesday evening after the meeting, he said he did not agree with President Begaye's directive.

"When you mix politics with something like this, it doesn't mix," he said. "I'm interested in taking care of the people."



USATODAY

EPA chief: 'We will be fully accountable' for toxic spill

(<http://www.usatoday.com/story/news/nation/2015/08/12/epa-chief-we-fully-accountable-toxic-spill/31555403/>)

Navajo Nation Council Speaker LoRenzo Bates does not have a position on whether residents should fill out the form, said his legislative staff assistant, Pete Ken Atcity, during the Shiprock meeting.

"I just want to make that clear that the speaker's office and Navajo Nation Council isn't pushing anything upon any Navajo constituents, we just want to give you as much information as we can," Atcity said.

In a statement issued Wednesday evening, Bates said Diné citizens deserve to be compensated to the fullest extent, and the EPA must be held accountable for its negligence.

He encouraged the public to read the form thoroughly and seek further consultation to make an informed decision.



USATODAY

Toxic mines taint the West's waterways

(<http://www.usatoday.com/story/news/2015/08/11/toxic-mines-taint-wests-waterways/31489965/>)

New Mexico Attorney General Hector Balderas said Wednesday afternoon that he wanted Navajo residents to seek proper legal counsel in their dispute with the EPA.

"I don't think anyone has talked about deploying proper legal resources to these rural communities," Balderas said, adding that it should be done.

He said that as attorney general, he is limited in his ability to provide legal advice.

Contributing: Noel Lynn Smith and Steve Garrison, The Daily Times

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Mine waste has fouled the Animas River before

Hannah Grover, The (Farmington, N.M.) Daily Times 5:50 a.m. EDT August 13, 2015

Mining's toxic legacy across the West Trevor Hughes/USATODAY

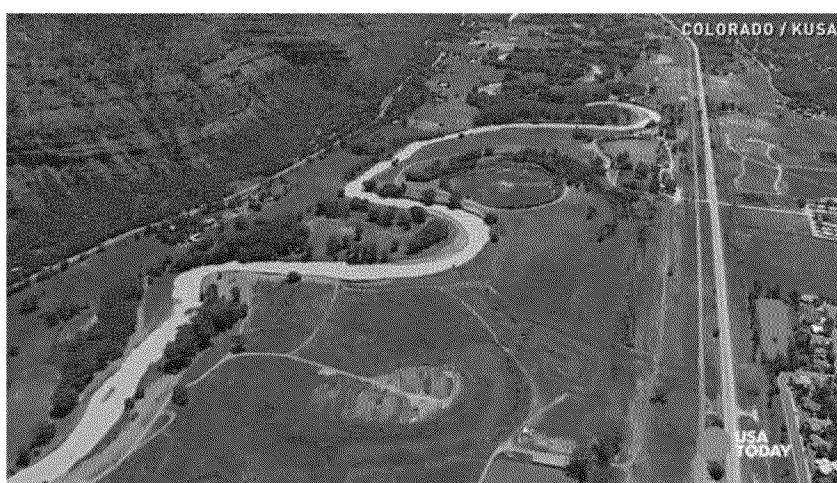


(Photo: Jon Austria, The (Farmington, N.M.) Daily Times)

FARMINGTON, N.M. — In 1978, after a mine shaft beneath a high-altitude lake north of Silverton, Colo., collapsed releasing millions of gallons of sediment-laden water that found its way into the Animas River, neither federal nor state officials in Colorado notified New Mexico of the incident. (http://www.dailystimes.com/farmington/ci_28630682)

Afterward, a Colorado Department of Health official vowed that never again would New Mexico officials learn of mine waste in the river days after the contamination first occurred.

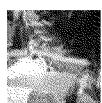
But it did happen again last week after U.S. Environmental Protection Agency workers accidentally released more than 3 million gallons of water contaminated with mine waste into the Animas River.



The Environmental Protection Agency mistakenly released 3 million gallons of toxic waste water from an abandoned mine into Colorado's Animas River. That number is three times its original estimate. KUSA-TV

New Mexico Gov. Susana Martinez said it was Southern Ute Tribe officials who first notified the state of the spill — nearly 24 hours after the incident. In the late '70s, the disaster started when Lake Emma collapsed into the mine shaft, flooding the mine with millions of gallons of water, mud and sediment.

USATODAY



Toxic mines taint the West's waterways

(<http://www.usatoday.com/story/news/2015/08/11/toxic-mines-taint-wests-waterways/31489965/>)

The mine waste and water then spilled out the mouth of the Sunnyside Mine, operated by Sunnyside Gold Corp., and eventually entered the Animas River.

The Colorado Department of Health assumed the EPA was going to contact New Mexico officials.

Two days later, former New Mexico governor Tom Bolack noticed fish in an irrigation ditch were dying and called the local health department. When New Mexico health department officials contacted Colorado, Fred Matter, a Colorado health department official, realized that the communities downstream had not been informed.

Tommy Bolack, the son of Tom Bolack, said he remembers seeing a lot of dead fish on the southern part of his property in Farmington with access to the Animas River.

"We didn't have any warning of it," Tommy Bolack said.

Since mining began in the area around Silverton, Colo., in the late 1800s, there have been a series of spills that have contaminated the river and caused concern for communities downstream.



Tommy Bolack said last week wasn't the first time he's seen the Animas River turn yellow, but he added that this was a brighter yellow than previous spills.

"It's going to pass, just like all of the others have," Bolack said.

Bill Simon said that since he became coordinator of the Animas River Stakeholders Group in 1994, he has seen five major discharges into the Animas River.

"This one happened to be more colorful than other ones so it got the attention of more people," Simon said.

About 18.6 million tons of ore was extracted from the mines during Silverton's heyday, according to the U.S. Geological Survey. Some of the mill tailings produced from that mining activity were placed in impoundments after 1935 in an effort to prevent them from polluting the Animas River.

EPA chief: 'We will be fully accountable for toxic spill' [oembed : 31598141] [oembed : 31598141]

Simon said this effort helped reduce the pollution draining into the Animas River and some of the original dikes holding back the tailings have never breached.

However, when the dams do breach, "you end up with this huge amount of waste that comes down all at once," Simon said.

That also happened in June 1975 when a pond at the Mayflower Mill that was holding back mine tailings was breached.

The mill was operated by Standard Metals Co. and manager Allan Bird hypothesized, in a *Daily Times* story from the time, that the spill was caused by a combination of human error and heavy rains.

He said the pond had been in place for 45 years without incident and that the foreman was on vacation when the pond dike broke.

About a week later, a second spill occurred at the same mine, however the second spill was not as severe as the first.

Almost exactly three years later, the Sunnyside mine shaft beneath Lake Emma — which had been used as a mine waste dump — collapsed and caused water mixed with mud and mine waste to flow into the Animas River.

Simon described this event as a "pretty serious disaster."

Because the collapse occurred on a Sunday when no one was working, no miners were hurt or killed.

Cleaning up after the collapse took two years and, after New Mexico officials were notified of the contamination, water from the Animas River into local reservoirs was shut off, according to *Daily Times* archives.

"I would have rather been contacted twice than not at all," George Goldstein, who at the time was secretary of the New Mexico Health and Environment Department, told the Associated Press in 1978. "I'm sure they felt awful about it, but that's no help if it had been a disaster. I'm sure it won't happen again."

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The New York Times

<http://nyti.ms/1Ts4Fcn>

U.S.

After Colorado Waste Spill, E.P.A. Halts Field Investigations

By JULIE TURKEWITZ AUG. 12, 2015

DENVER — After a contractor for the Environmental Protection Agency accidentally caused a mine to burst during a field investigation — releasing more than three million gallons of toxic waste — the agency's top official said Wednesday that she had halted all similar investigations until further notice.

“It is just an opportunity for us to screen, to make sure that there is no potential for a release like this in another situation,” said Gina McCarthy, the E.P.A. administrator, at a news conference in Durango, Colo., about 50 miles south of the Gold King mine, where the accident took place.

There are an estimated 23,000 abandoned mines in Colorado, according to the state’s department of natural resources, and about 500,000 around the country, according to the federal government.

The E.P.A. did not say how many mines are currently the subject of field investigations. The company that was working for the E.P.A. at the Gold King mine was identified by The Wall Street Journal as Environmental Restoration LLC of Fenton, Mo., which identifies itself on its website as a provider of hazardous waste management and removal.

A company secretary said late Wednesday that no one was available to

comment. The E.P.A. is seeking an independent review of the cause of the spill, Ms. McCarthy said.

“It is a heartbreaking situation for E.P.A.,” she added, saying that the agency would be “transparent and collaborative in making sure people have the information they need.”

The spill occurred on Aug. 5, when the contractors were examining the Gold King, an abandoned mine owned by Todd C. Hennis of San Juan Corp. As workers using heavy machinery knocked away debris, a surprise onslaught of orange-yellow water poured out.

The spill prompted Utah, Colorado, New Mexico and the Navajo Nation to declare states of emergency. Levels of arsenic, lead and other metals rose in the areas south of the mine, though E.P.A. officials said Wednesday that tests indicated that in places where the toxic plume had already passed the water was returning to the levels of toxicity it had before the accident.

Officials have not determined what health risks, if any, the spill poses.

On Wednesday, the attorneys general of Colorado, New Mexico and Utah met in Durango to discuss a course of action. Through a spokesman, Colorado’s attorney general, Cynthia H. Coffman, said a lawsuit against the E.P.A. is a possibility. But the spokesman, Roger Hudson, added that “litigation is not our first choice.”

The president of the Navajo Nation, Russell Begaye, has said he plans to sue the agency.

The toxic plume flowed out of Gold King and into the Animas and San Juan rivers, toward Utah’s Lake Powell. E.P.A. officials have been testing water along the path for signs of contamination, and say that they will release results as they have them.

The spill spurred waves of anger in communities that consider these

water sources to be cultural and economic lifelines. Dan Olson, director of the San Juan Citizens Alliance, an environmental protection group in Durango, called Ms. McGrath's decision to shut down investigation at other mines "a wise precautionary move until the cause of this accident is fully understood."

Matt Rice, director of the Colorado Basin Program at American Rivers, called the mine burst the country's "wake-up call."

"It's an opportunity to talk about all these time bombs that are at the tops of very important rivers," he said.

A version of this article appears in print on August 13, 2015, on page A9 of the New York edition with the headline: Mine Work Is Halted After Spill in Colorado.

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THE DENVER POST (<http://www.denverpost.com>)
DENVER AND THE WEST

Denver, CO | Now: 69°
(<http://www.denverpost.com/weather>) | High: 90°
| Low: 64°
(<http://www.denverpost.com/weather>) | 5-Day Forecast
(<http://www.denverpost.com/weather>)



Wheat Ridge grandmother arrested in grandson's drowning death
(<http://www.denverpost.com/news>)



No easy formula for best time to book airline tickets
(<http://www.denverpost.com/business/easy-formula-best-time-book-airline-tickets>)



Astronomers find a teeny-tiny supermassive black hole
(<http://www.denverpost.com/national/astronomers-find-teeny-tiny-supermassive-black-hole>)



Trump, Sanders surge as disillusioned voters see different options
(<http://www.denverpost.com/politics/trump-sanders-surge-as-disillusioned-voters-see-different-options>)

DENVER AND THE WEST

Animas River spill leaves Colorado, neighbors weighing EPA lawsuit

Cynthia Coffman, along with her New Mexico and Utah counterparts, say a suit remains an option

By Jesse Paul

The Denver Post (<mailto:jpaul@denverpost.com>?subject=The Denver Post:)

POSTED: 08/12/2015 09:04:13 AM MDT

UPDATED: 08/10/2015 03:42:26 AM MDT [POST.COM/NEWS/CI_28626632/ANIMAS-RIVER-LAWSUIT-AGAINST-EPA-TABLE-COLORADO-AG#DISCUS_THREAD](http://www.denverpost.com/news/ci_28626632/animas-river-lawsuit-against-epa-table-colorado-ag#disqus_thread)



DPTV: Colorado AG: Lawsuit against EPA possible following Animas River spill and more

DURANGO — The attorneys general of Colorado, New Mexico and Utah said Wednesday that a lawsuit against the Environmental Protection Agency is an option in the wake of a massive mine wastewater spill caused by the agency. (http://www.denverpost.com/news/ci_28612228/la-plata-and-durango-declare-emergency-sludge-flows?source=pkg)

All three, however, agreed that it's too early to say if they will sue.

"I would hope that it would not be necessary," Colorado's Cynthia Coffman, a Republican, said of a suit in an interview with The Denver Post. "The statements by the (EPA's administrator) indicate the EPA is accepting responsibility for the accident. The question is: What does that mean? What does accepting responsibility mean?"

Coffman met Wednesday with her counterparts from New Mexico, Democrat Hector Balderas, and Utah, Republican Sean Reyes, in Durango to discuss their options and any legal response to the catastrophe. While the three million-gallon spill began in the Animas in Colorado, contaminants have since flowed into all three states.



(<http://portlet/article/html/imageDisplay.jsp?contentItemRelationshipId=7005632>)

The yellow color of that dominated the river last week as turned a greenish color August 11, 2015 along Animas River. (Brent Lewis, The Denver Post)

Aug 12:

- Colo. state health dept. says Animas water OK to treat for drinking (http://www.denverpost.com/news/ci_28629387/colorado-state-health-dept-says-animas-water-ok?source=pkg)
- EPA chief Gina McCarthy

The attorneys general meeting came as EPA chief Gina McCarthy visited Durango on Wednesday and is scheduled to appear in Farmington, N.M., on Thursday.

"Some of (McCarthy's statements) were not direct, were not transparent," Coffman said.

DOCUMENT: Read the letter from the Colorado and New Mexico delegations to President Obama regarding the Animas River spill

[says water quality in Animas back to "pre-event conditions"](http://www.denverpost.com/news/ci_28627376/epa-says-water-quality-in-Animas-back-to-pre-event-conditions)
(http://www.denverpost.com/news/ci_28627376/epa-chief-gina-mccarthy-durango-wednesday-see-animas?source=pkg)

- [Animas River spill: Gold King Mine one of many in area releasing heavy metals leached waste](http://www.denverpost.com/environment/ci_28624471/animas-river-spill-gold-king-mine-one-many-area-releasing-heavy-metals-leached-waste)
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- [Animas River outfitters shut as plume passes, but say they'll endure](http://www.denverpost.com/business/ci_28624469/animas-river-outfitters-shut-as-plume-passes-but-say-theyll-endure)
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- [Willoughby: Animas spill may lead to more attention on mining](http://www.denverpost.com/willoughby/ci_28624900/willoughby-animas-spill-may-lead-more-attention-mining)
(http://www.denverpost.com/willoughby/ci_28624900/willoughby-animas-spill-may-lead-more-attention-mining?source=pkg)
- [Animas River contamination data in New Mexico shows acidity did not spike after spill](http://www.denverpost.com/news/ci_28623186/animas-river-contamination-data-new-mexico-shows-acidity-did-not-spike-after-spill)
(http://www.denverpost.com/news/ci_28623186/animas-river-contamination-data-new-mexico-shows-acidity-did-not-spike-after-spill?source=pkg)

(http://extras.mnginteractive.com/live/media/site36/2015/0812/20150812_031723_8.12.15-Delegation_Letter_to_President.pdf)

The wastewater spilled into Cement Creek and then into the Animas River on Aug. 5 after it was released by the EPA at the Gold King Mine near Silverton. It is one of [many mine sites in the area](http://www.denverpost.com/environment/ci_28624471/gold-king-mine-one-many-area-releasing-heavy) (http://www.denverpost.com/environment/ci_28624471/gold-king-mine-one-many-area-releasing-heavy) that is releasing heavy metals into the river's flow.

The attorneys general said their goal is to make sure the people they represent are adequately reimbursed and cared for in the spill's wake. In New Mexico, Baldcras said there have been hay shortages and fears of livestock calamities.

The trio said they have reached out to legal representation for the Navajo Nation and the Southern Utes, who were also in the path of the contaminated water, to ensure their voices, too, are heard.

Many residents in the path of the toxic spill have called for legal action against the EPA, including business hurt when the river they rely on (http://www.denverpost.com/business/ci_28624469/animas-river-outfitters-shut-as-plume-passes-but-say?source=pkg) was closed by authorities.



"It's a crime scene,"
Ginny Brown, who has lived in Durango for more than two decades, said Tuesday near the Animas' banks.

Roger Zalneraitis, who heads up La Plata County's economic

DURANGO, CO - AUGUST 12: Sally Zabriskie disturbs the bottom of the river to show that the waste has settled under the dirt of the Animas River on August 12, 2015 at Santa Rita Park. "The river is returning to pre-event conditions," said EPA Administrator Gina McCarthy

development alliance, said he was reassured by what Coffman told him of her commitment to protecting Coloradans impacted by the EPA's fault.

"This has happened to the river before," he said of the Animas. "We are going to come back a better city and region."

Coffman said a claims process set forth by the EPA this week is a start, but it remains to be seen if it will be enough.

"I expect EPA to hold itself to the same standards that it would hold a state or local government if we had this type of incident and certainly a private corporation if they had this type of toxic discharge," Coffman said.

Coffman said any potential legal action taken against the EPA would look at natural resource damages, costs of remediating the river and the surrounding land and any wildlife impacts.

"With heavy metals discharge like we're seeing, from a mine with arsenic, lead and copper and cadmium, my understanding is you don't often see the results in fish for two to three years," she said. "As heavy metals sink they become a part of the river and have a longer term impact."

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EPA officials promise analysis of river contamination today

James Fenton / The Daily Times

FARMINGTON — EPA officials offered little new information Tuesday afternoon on pollution levels in the Animas River after agency workers accidentally released an estimated 3 million gallons of mine wastewater contaminated with heavy metals into the river a week ago.

Also on Tuesday, Navajo Nation President Russell Begaye signed a declaration late in the evening allowing the tribe to seek funding for response efforts, according to the president's spokesman. The tribe's Commission on Emergency Management voted Sunday to declare a state of emergency.

In a 30-minute media conference call Tuesday where follow-up questions were not allowed, EPA officials said testing results from samples of polluted water spilled from the Gold King Mine north of Silverton, Colo., into the Animas and San Juan rivers would be released Wednesday.

In her first public comments about the mine spill, EPA Administrator Gina McCarthy said from Washington, D.C., on Tuesday that the release of the mustard-colored wastewater containing arsenic, lead and other heavy metals was a "tragic and unfortunate incident."

McCarthy said the EPA is taking responsibility and working to clean it up.

"EPA is an agency whose core mission is ensuring a clean environment and protecting public health, so it pains me to see this happening," McCarthy said. "But we are working tirelessly to respond and have committed to a full review of exactly what happened to ensure it cannot happen again."

David Ostrander, director of the EPA's emergency preparedness program, said during a media call Tuesday afternoon that EPA workers continue to treat mine wastewater in four retention ponds at the Colorado mine before releasing it into a tributary that feeds into the Animas River. Ostrander said that McCarthy will tour the mine and speak Wednesday in Durango, Colo., and Farmington.

Ostrander said analyses of water samples taken from the Animas River in Durango on Aug. 7, 8 and 9 were being "validated." He said the water quality was returning to "pre-incident" levels in Durango, compared to samples taken before the toxic plume passed through the river. But when asked for details on what specific measurements officials were using to make that evaluation, the team provided no further details.

In previous press briefings, EPA officials have confirmed that toxic sediment drops out of the plume as it moves, but have declined to speculate on what kind or level of pollution will remain. They have also said that the Animas River already has pollution from previous releases.

The New Mexico Environment Department's Water Quality Bureau released results Tuesday that showed the plume of toxic mine waste caused little to no change in the Animas and San Juan rivers' pH levels.

Before the plume arrived in Farmington, the bureau collected baseline data from three locations — two on the Animas River near Aztec and Farmington and one on the San Juan in Kirtland. The pH level before the plume arrived in Farmington was about 8.06. After the plume passed through the city, the pH ranged between 7.84 and 8.08 at those locations, according to the department.

The bureau on Friday started testing pH levels at the three sites every 15 minutes and will continue for a two-week period.

In a public meeting at the Farmington Civic Center Tuesday evening, Dennis McQuillan, a hydrologist with the state Environment Department, shared news about private domestic water wells, stating the department has tested about 40 wells located about 500 feet from the Animas River valley.

Water samples from the wells were sent to a laboratory in Albuquerque, and results are expected in about three days.

In areas where the water level of the private wells was measured and compared to the Animas River, McQuillan said the groundwater was about two feet higher than the river, and groundwater was discharging into the river, protecting the well.

He also said the state Environment Department received about 420 samples Tuesday at the water testing station at the San Juan County Sheriff's Office substation in Lee Acres in Farmington.

Also at the Civic Center meeting, EPA Region 6 Administrator Ron Curry stressed the agency's commitment to the affected areas.

"We are doubly committed to getting the solutions that make this community feel safe and comfortable in your homes and on the farms," Curry said.

He announced a toll-free number — 1-844-607-9700 — operated by EPA staff who speak English, Spanish and Navajo who can answer questions related to the contaminated water.

Curry said four teams of EPA workers tested 14 water wells in the area on Monday and three more on Tuesday.

Jared Blumenfeld, administrator for EPA's Region 9, said the agency is making efforts to assist people who rely on well water.

"We've now contacted about 75 percent of the Navajo (people) who take their water from private wells along the San Juan River," he said.

Because of requests the EPA had received from the Lake Powell area, Blumenfeld said the agency established 12 monitoring stations along the San Juan River between Lake Powell and Farmington.

Also on Tuesday, Sharon Wirth, a Santa Fe-based Audubon New Mexico freshwater program manager who has 15 years of experience in environmental assessment and cleanup, said toxic pollution from the mine spill poses health dangers that have the potential to linger for decades.

"We will likely be witnessing the long-term, negative effects of this spill for decades to come, the full extent of which is still a big unknown," Wirth said. "This spill highlights the vulnerability of our river ecosystems and communities that depend on healthy rivers and the very real risks they face when that health is imperiled."

Late on Tuesday, San Juan County CEO Kim Carpenter said that after returning from a flyover of the Colorado mine, the Animas River appeared to be turning a strange shade of green.

"It's inexplicable. It really is," Carpenter said in a phone interview. "It's coming this direction."

8/13/2015

EPA officials promise analysis of river contamination today | Albuquerque Journal News

Colorado environment department officials could not be reached for comment late Tuesday.

State Attorney General Hector Balderas, Farmington Mayor Tommy Roberts, Aztec Mayor Sally Burbridge, Bloomfield Mayor Scott Eckstein and San Juan County officials will address the mine spill at 11:30 a.m. Wednesday at the entrance to Berg Park, near San Juan Boulevard and Scott Avenue in Farmington.

Then, at 2 p.m., Balderas will also speak with Colorado Attorney General Cynthia Coffman and Utah Attorney General Sean Reyes at Rotary Park in Durango.

Ostrander said that updates on water testing will be posted at epa.gov/goldkingmine.

Reporters Joshua Kellogg and Noel Lyn Smith contributed to this story.

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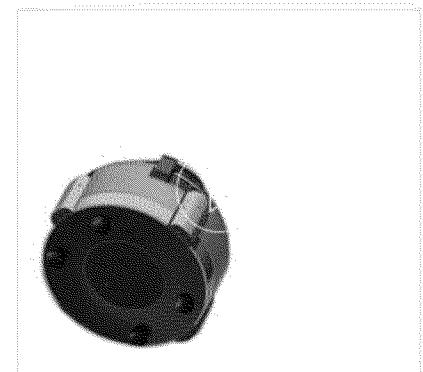


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EPA chief: Colorado river hit by mine waste back to pre-spill quality

DURANGO, COLO. | BY LAUREN HAMMOND



1 of 4

The water quality of a southwestern Colorado river rendered bright orange by toxic waste spewed from an abandoned gold mine one week ago has returned to pre-spill levels, the U.S. Environmental Protection Agency chief said on Wednesday.

The statement from EPA Administrator Gina McCarthy, whose agency has assumed responsibility for inadvertently causing the spill, came as Colorado health officials cleared the way for the city of Durango, just downstream, to reopen its drinking water intakes from the river.

McCarthy also ordered the EPA's regional offices to immediately cease further inspections of mines or mine waste sites, except in cases of imminent risk of danger, during an independent review of the accident.

More than 3 million gallons (11.3 million liters) of acid mine sludge were accidentally released from the century-old Gold King Mine near Silverton, Colorado, during work by an EPA crew to stem seepage of wastewater already occurring at the site.

"The EPA does take full responsibility for the incident," McCarthy said during a visit to

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Durango, a resort town popular for its rafting and kayaking about 50 miles (80 km) south of the spill site on the Animas River, which was the hardest hit.

The torrent of waste unleashed by a breach of a tunnel wall on Aug. 5 gushed first into a stream just below the site called Cement Creek before washing into the Animas, turning both bright orange.

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[Colorado town to resume drawing drinking water from toxin-fouled river](#)

From there, the waste flowed into the San Juan River, a Colorado River tributary that winds through northwestern New Mexico into Utah and ultimately joins Lake Powell.

The EPA has previously said that state, local and federal authorities had agreed to keep the Animas and San Juan rivers closed to all fishing, recreation and intakes of water for drinking and irrigation until at least Aug. 17.

Water samples taken from the upper Animas last week when contamination was at its peak showed arsenic concentrations as high as 1,000 parts per billion, or 100 times the maximum level set by the EPA for drinking water.

But with subsequent samples showing traces of heavy metals and other contaminants back at pre-spill levels in the Animas, state and local governments were now at liberty to lift restrictions on that river as they see fit, McCarthy said.

"We let the science be our guide and we work with our partners," she said.

While giving Durango the OK to resume its intake of river water for municipal treatment, state health officials urged all private drinking wells within a mile (1.6 km) of the Animas to be tested before use. They said, however, there was no indication of any groundwater contamination.

No evidence of harm to human health, livestock or wildlife has been reported, according to the EPA.

Colorado Governor John Hickenlooper said earlier in the day that the Animas appeared to have returned to normal, with no sign of lasting environmental harm, though EPA officials and toxicologists have warned that long-term effects of the spill remain to be seen.

Dilution has gradually diminished concentrations of contaminants such as arsenic, mercury and lead. But experts say deposits of heavy metals have settled into river sediments, where they can be churned up and unleash a new wave of pollution when storms hit or rivers run at flood stage.

Besides metals that are outright toxic to aquatic life, the iron compounds that turned the water orange can smother plants and habitat as they sink to the bottom.

(Additional reporting by Keith Coffman from Denver; Writing and additional reporting by Steve Gorman in Los Angeles; Editing by Dan Whitcomb and Eric Walsh)

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The Salt Lake Tribune

Utah AG hints at legal action over mine spill

BY EMMA PENROD

THE SALT LAKE TRIBUNE

PUBLISHED: AUGUST 12, 2015 09:48PM

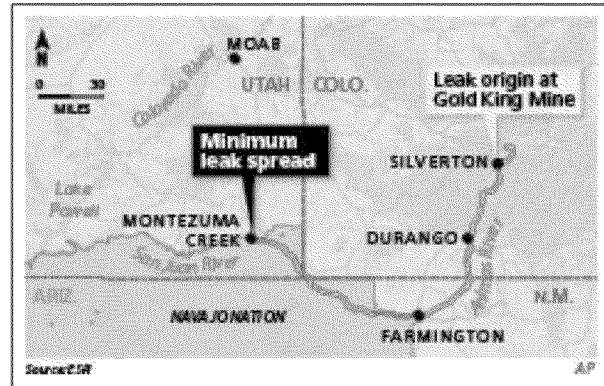
UPDATED: AUGUST 12, 2015 10:32PM

With the apparent arrival of an acidic mine-waste plume in the San Juan River south of Bluff, Utah politicians kicked into gear Wednesday, with the governor declaring a state of emergency and the state's attorney general hinting at legal action.

Gov. Gary Herbert declared a state of emergency to mobilize agencies to help San Juan communities deal with the slow-moving waste from the defunct Gold King Mine in southwestern Colorado. Attorney General Sean Reyes met in Durango, Colo., with the attorneys general for Colorado and New Mexico to talk about the three states' legal options. And Utah's congressional delegation and state lawmakers called for an investigation of the U.S. Environmental Protection Agency — and linked the spill to the state's public-lands fight.

Meanwhile, state scientists figure the 3-million-gallon stream of lead and arsenic-laced gunk has assimilated into the river, making it difficult to pinpoint the plume's location in Utah.

The spill was inadvertently triggered Aug. 5 when a wall of earth and timber gave way as an EPA contractor was digging to get a sample of contaminated water from the Gold King Mine outside Silverton, Colo. The sludge has slowly made its way down Colorado's Animas River, which joins with the San Juan River outside Farmington, N.M., before flowing northwest into Utah. Whatever remains of the spill will end up in Lake Powell.



Spill spreads to Utah

A spill containing lead and arsenic from an idled Colorado mine leaked into the Animas River and has spread at least as far as the town of Montezuma Creek. The EPA has warned people to stay out of the river and to keep domestic animals from drinking from it.

Initial water quality samples taken Aug. 8-9 showed low concentrations of heavy metals in the San Juan River, according to a news release from the Utah Department of Environmental Quality (DEQ). Some samples had higher concentrations, but those seem to be linked to flooding from weekend thunderstorms.

Sediment in the San Juan River already contains naturally elevated concentrations of heavy metals, according to DEQ, so scientists still are struggling to determine whether the elevated samples are old or new.

Herbert blamed the EPA, saying he was “deeply disappointed.”

“It was a preventable mistake, and they must be held accountable,” Herbert said. “Our top priority will continue to be the safety of Utahns and wildlife affected. With potential long-term implications, the emergency proclamation will allow us to continue to support affected businesses and communities.”

Reyes said his legal talks were geared toward just that: finding a way to hold the EPA accountable.

“One of the reasons I am in Durango today is ... to ensure the EPA lives up to its promise to be fully accountable and transparent — and to make our citizens and environment whole,” he said in a statement. “It is premature to say what legal action will be taken until we better understand the damage that has been and is occurring and also learn what the EPA is willing to compensate. In that process, we will ensure the EPA, and any other potentially liable entities, are held legally responsible not just for short term effects but for damage that may not be known or understood for years to come.”

Reyes and Herbert aren’t the only government officials demanding accountability from the EPA. A statement from the U.S. House Committee on Natural Resources said Utah Rep. Rob Bishop — who heads the committee — will visit Lake Powell on Monday to survey the aftermath of the spill.

“EPA’s grave blunder is posing a serious threat to both the environment and the economy in Colorado, New Mexico, Utah and Arizona,” Bishop said. “Lands and projects managed by the Department of the Interior and Forest Service — not to mention the tribal concerns — within my committee’s jurisdiction will be seriously and negatively impacted.”

He promised “extensive oversight over the causes and the short-term and long-term effects of this serious situation.”

And fellow Republican Utah Rep. Jason Chaffetz sent a letter to the environmental agency’s inspector general criticizing the EPA’s role in the release, its delay in making the spill public, and its generally slow response to requests for information.

Chaffetz called for an independent investigation into the matter — similar to what

was required after the Deepwater Horizon spill in 2010.

A few state leaders also weighed in on the EPA's handling of the spill, arguing the environmental mess is yet another reason for the state to take over management of public lands.

Orem Sen. Margaret Dayton accused the agency of being careless in its response.

"This mistake and lack of transparency by the federal EPA is yet another egregious example of why states and local entities are much better managers of our own land and natural resources," she said in a statement.

San Juan County Emergency Management trucked in water to some homeowners and ranchers Sunday and Monday.

In Bluff, businesses and residents are getting by despite advisories that warn visitors away from the river.

"It's affecting our river companies and several businesses, but we have a lot of other tourism as well," said Jennifer Davila, president of Business Owners of Bluff and the owner of La Posada Pintada boutique inn.

Most of Bluff's tourists come from Europe, Davila said, and those visitors aren't necessarily interested in floating the river.

Still, Bluff residents are worried about the spill, Davila said, especially about the long-term impacts.

"With the way it's being spread in Colorado, every time we get a high-water flood, it's going to wash more sediment" downstream to Bluff, she said. "I can see this being a long-term cleanup."

"I hope they don't just drop the ball and forget it in a few weeks."

Bluff residents have set up an information center with the latest updates on the volunteer fire department's website.

Utah State University aquatic ecologist Chuck Hawkins said their concerns about long-term issues are not misplaced. It's not just the cleanup that could take a long time, he said. It could take at least a week to collect enough test results to understand the full impact of the release on the river environment, and even longer to come up with a plan to address it.

And heavy metals — which also will be significantly diluted by the time they reach Utah — aren't usually a problem in the case of short-term exposure. But long-term exposure to heavy metals such as lead, mercury and arsenic does lead to toxicity over time. And metals aren't exactly biodegradable.

"Over time, the metals will probably be buried and will be less of a problem —

except when the river is churned up with high flow,” said Hawkins, director of the Western Center for Monitoring and Assessment of Freshwater Systems. “It will eventually go downstream. It’s unlikely that it will be permanently buried.”

Eventually, he said, the river will purge itself of the contamination and return to what the EPA has dubbed its “pre-event state.”

“Streams, fortunately, are incredibly resilient systems,” he said, “in large part because they’re self-cleaning.”

The million-dollar question, Hawkins said, is whether that process will take a matter of months, years or even decades.

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Experts See Long-Term Risks From Colorado Mine Spill

Experts predict long-term health risks as Colorado mine waste spill contaminates river bottoms

By MATTHEW BROWN

The Associated Press

DURANGO, Colo.

Toxic waste that gushed from a Colorado mine and threatened downstream water supplies in at least three states will continue to be dangerous when contaminated sediment gets stirred up from the river bottom, authorities said Wednesday, suggesting there is no easy fix to what could be a long-term public health risk.

The immediate impact of the 3 million gallon spill on Aug. 5 eased as the plume of contamination dissipated on its way to Lake Powell along the Utah-Arizona border. But the strong dose of arsenic, cadmium, lead and other heavy metals settled out as the wastewater traveled downstream, layering river bottoms with contaminants sure to pose risks in the future.

"There will be a source of these contaminants in the rivers for a long time," said hydrologist Tom Myers, who runs a Nevada-based consulting business. "Every time there's a high flow, it will stir it up and it will be moving those contaminants downstream."

The U.S. Environmental Protection Agency had pushed for 25 years to grant Superfund status to the partly collapsed Gold King mine and other idled mines leaking heavy metals above the old mining town of Silverton, Colorado. That would have brought in major funds for a comprehensive cleanup.

Local authorities spurned federal intervention, leaving a smaller EPA-led team to investigate a small if steady stream of pollution. That team accidentally breached a debris wall at the mine, unleashing the pool of contaminated water that turned the Animas River yellow.

EPA Administrator Gina McCarthy, on a visit Wednesday to Durango, downstream of the spill site, said she had ordered agency personnel across the country to cease field investigation work on abandoned mines while the spill was investigated. EPA officials said they were seeking details on what the stop-work order means.

State attorneys general from Colorado, New Mexico and Utah appeared separately in Durango, pledging to make sure residents are compensated for damages from the spill. But they said they would hold off on legal action against the federal government to give the EPA a chance to prove it will be accountable.

Also Wednesday, Colorado state health officials informed residents in Durango that they can resume using

treatment facilities that draw water from the Animas.

Long before the accident, mines in the Silverton area that were first developed in the late 1800s had been releasing steady streams of contaminated wastewater into area creeks, leaving some of them virtually lifeless. No fish swim where the runoff from the Gold King mine flows into Cement Creek and the upper reaches of the Animas, which in turn feeds the San Juan River.

One week after the spill, the EPA said runoff had returned to its normal levels of about 213 gallons per minute. Agency cleanup crews hastily built a series of four sedimentation ponds, bulldozing mounds of earth and covering pits in plastic, to clean the runoff from the mine before it drains into the creek.

The agency said Wednesday that the ponds were reducing acidity and dissolved metals and that the runoff is now cleaner than it was before the spill. The ponds brimmed with yellow-tinted runoff outside the old mine, located 11,300 feet high in the Rocky Mountains.

EPA spill liaison Nat Miullo suggested the danger from the spill had diminished with the dissipation of the initial burst of tainted water. Any future spike in contaminant levels caused by stirring up sediments would be "much, much smaller in scale," he said.

But environmental regulators in downstream New Mexico warned that it was crucial to determine where the contamination settles.

"Those are some of the longer-term issues that affect humans as well as wildlife," New Mexico Environment Secretary Ryan Flynn said.

While there have been no fish or bird die-offs, Flynn said that doesn't mean the river is healthy or safe. He said more testing is needed.

Past mine waste accidents in the Rocky Mountains show the impact can linger for decades, said John Stednick, a watershed scientist at Colorado State University.

He cited efforts to clean up Colorado's stretch of the Arkansas River that began with a 1982 spill, and the fish kills that came after Summitville Mine dumped wastewater into Wightman Fork, near Del Norte, Colorado.

"It takes years for sediments to clean once acid mine drainage has been removed," Stednick said.

The Gold King spill was proving devastating to the Navajo Nation, which recently negotiated a settlement giving it rights to water from the San Juan River. The tribe plans to build a \$20 million water treatment plant in northwestern New Mexico to take in the extra volume of water granted by the settlement and provide a clean drinking source to more of the 16,000 families on the reservation who still haul water to their homes.

Heavy metals already were present in the tribe's underground aquifers, and "now those same things are dumped in the river," complained Rex Kontz, deputy general manager for the Navajo Tribal Utility Authority. He said meeting EPA standards for clean drinking water could double the plant's cost and require millions more in operating costs each year.

The EPA said it will be Monday at least, but perhaps take weeks more, before test results can help show what hazardous materials are in the water. The higher the concentrations, the higher the cost of removing heavy metals.

And unlike some other Native American tribes, the Navajo are not swimming in casino cash.

"This new water coming in was the avenue to creating new development and creating long-term sustainability," Kontz said. "Now it's almost like your legs were cut out from under you."

Navajo farmers were nervously waiting for someone to announce that it's OK to irrigate their crops again. Just two weeks without water could wipe out their corn and alfalfa just before harvest, which represents an entire year's salary for some farming families.

Some experts downplayed the damage. Ron Cohen, a civil and environmental engineering professor at the Colorado School of Mines, said he personally would swim or boat today in the Animas River, based on preliminary EPA data showing levels of metals decreasing in the 48 hours after the spill as the plume moved downstream.

But Cohen understands why others are waiting for more data. He has worked on EPA-funded projects and said the agency's results must stand up in court, so it takes multiple test samples over time, and then subjects the results to more reviews.

"It's probably perfectly fine. I wouldn't drink it, but I wouldn't drink river water anyway. That's why they have water treatment plants," he said.

Brown reported from Billings, Montana. Associated Press writers Brennan Linsley in Silverton, Lindsay Whitehurst in Salt Lake City, Colleen Slevin and Ivan Moreno in Denver, Susan Montoya Bryan in Albuquerque and Brian Skoloff in Shiprock, New Mexico, contributed to this report.

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Colo. state health dept. says Animas water OK to treat for drinking

Denver Post staff

Updated: 08/12/2015 04:37:20 PM MDT

DenverPost.com

Colo. state health dept. says Animas water OK to treat for drinking

City hasn't drawn river water since the contamination



A settling pond is used at Cement Creek, which was flooded with millions of gallons of mining wastewater, on Aug. 11 in Silverton. The Environmental

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- Animas River contamination data in New Mexico shows acidity did not spike after spill

The state health department has told Durango officials that they can once again draw in water from the Animas River for drinking water treatment facilities.

The city has not been using water from the Animas River since Aug. 7, after federal officials notified Durango that a spill from an abandoned mine had contaminated the river.

The wastewater contained zinc, iron, copper and other heavy metals, prompting the Environmental Protection Agency to warn agricultural users to shut off water intakes along the river. The city stopped drawing water from the Animas, and law enforcement closed the river to recreational users.

While the majority of Durango's water comes from the Florida River, in the summer the city draws from the Animas to supplement an increased demand from irrigation.

"We are working with affected systems to increase sampling and monitoring," Dr. Larry Wolk, director of the Colorado Department of Public Health and Environment, said in a news release Wednesday. "Water quality could change due to storms or other conditions, and we will respond quickly to any potential issues."



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Press Release | Wed Aug 12, 2015 11:33pm EDT

Attorney General Reyes Issues Statement Following Briefings with Colorado & New Mexico Attorneys General on Gold King Mine Spill

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Utah Attorney General Sean Reyes today joined Colorado Attorney General Cynthia H. Coffman and New Mexico Attorney General Hector Balderas in Durango, Colo., to share information and discuss the immediate and possible long term impacts of the Environmental Protection Agency's (EPA) Gold King Mine spill with concerned citizens.

"One of the reasons I am in Durango today is to discuss with my colleagues from Colorado and New Mexico legal options to ensure the EPA lives up to its promise to be fully accountable and transparent, and to make our citizens and environment whole," said Utah Attorney General Reyes. "It is premature to say what legal action will be taken until we better understand the damage that has already occurred and also learn what the EPA is willing to compensate. We will ensure the EPA, and any other potentially liable entities, are held legally responsible not just for short term effects but for damage that may not be known or understood for years to come."

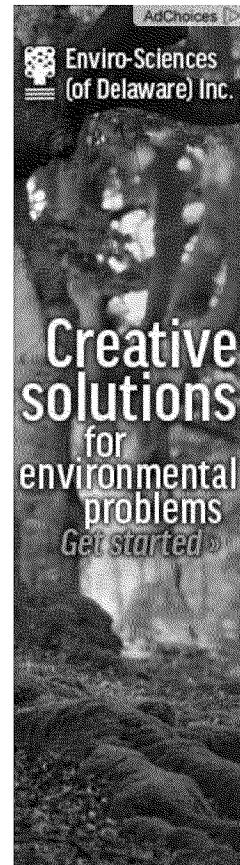
Upon notice of the disaster, a team of lawyers from the Office of the Utah Attorney General lent support to the vitally important actions of its clients including the Utah Departments of Environmental Quality and Public Safety, who began immediate monitoring of impacts to Utah's waters and evaluating short and long-term health, environmental and recreational impacts to Utah citizens and tribal nations along the San Juan River.

Currently, citizens can make compensation claims directly to the EPA and the Utah Attorney General's Office will advocate for timely and fair review of such claims.

"Utah has welcomed collaboration with neighboring states to share expertise, resources, information and possibly costs moving forward. Utah, along with sister states, is evaluating all legal options and will do everything within its power to ensure our citizens are protected and that our states are made whole for any damages caused," concluded Attorney General Reyes.

State, county and local officials are collaborating to protect and assist Utah citizens in this emergency while attempting to get answers from the EPA through independent and internal investigations, and hold the agency and its contractors fully accountable for its actions.

For more information on Utah Attorney General Sean Reyes, visit www.seanreyes.com.



TRENDING ON REUTERS



States Affected By The Gold King Mine Spill Pressure EPA On Cleanup



BY GRACE HOOD
AUG 13, 2015



Melvin Jones, left, delivers water to rancher Timothy Curley along the San Juan River on the Navajo Reservation, Wednesday, Aug. 12, 2015, in Shiprock, NM. Toxic wastewater from the Gold King Mine in Silverton, Colo., has contaminated the San Juan River.

(AP Photo/Matt York)

State and federal authorities are clashing over how best to respond to the Gold King Mine spill, which was triggered by a crew of Environmental Protection Agency contractors who were doing clean up at the long-unused mine last week.

But even as the agency takes full responsibility for what happened, it is coming under fire for what critics are calling its slow response.

Previous reporting:

- Aug. 12: EPA Chief Tours Scene As Governor, Feds Differ On River's Health
- Aug. 11: EPA Chief Says Disaster 'Pains Me To No End'
- Aug. 10: Governor Declares Mine Spill A Disaster
- Aug. 9: EPA Triples Estimate Of Mine Waste Released

"No agency could be more upset about the incident happening or more dedicated in terms of doing our job and getting this right," said EPA Administrator Gina McCarthy, who traveled to the Durango on Wednesday to meet with local officials.

The spill was triggered Aug. 5. near Silverton and the orange plume of wastewater laced with arsenic and lead was shocking to southwestern Colorado residents after it flowed down Cement Creek and contaminated the Animas River. It's since flowed into the San Juan River in New Mexico headed toward Lake Powell.

The Animas and San Juan rivers have been closed to boaters and swimmers ever since. Rafting companies have been temporarily out of work. Farmers can't use the water for their crops. In a bit of good news, McCarthy said water quality results in the Durango Colorado area were showing that levels have returned to conditions before the spill.

"So this is very good news. But I want to make sure you understand that there are additional steps that we are going to take," she said.

McCarthy did not address the contaminants that experts say remain in the river beds.

Colorado and New Mexico residents have become frustrated with what they see as a slow EPA response, one that has left states to take matters into their own hands.

While the EPA said the rivers won't reopen until next Monday, Colorado Gov. John Hickenlooper said he thinks the river could open in a few days. And on Wednesday, Colorado gave the green light for Durango to start processing tap water from the Animas River.

"It is the type of response and communication that I am concerned about," said Cynthia Coffman, the attorney general of Colorado. She, along with the attorneys general for Utah and New Mexico say they're watching the EPA closely. And they won't hesitate to apply legal pressure if it's needed.

"It may take a lot of attention from citizens here and from the attorneys general to make sure that things are done, and

New Mexico Attorney General Hector Balderas says he was happy to hear that the EPA will seek independent oversight when it investigates the Gold King Mine incident. Balderas also says he's evaluating whether the EPA plan to address environmental concerns after the spill is adequate for New Mexico.

"We would hope that they would welcome feedback in terms of whether additional resources will be needed," he said.

Utah Attorney General Sean Reyes says his state hasn't seen any acute effects from the spill. But it's the

orange sediment on the banks and at the bottom of the river that worries him.

"Who knows long term in terms of a chronic problem how that's going to affect everyone. That's our biggest concern probably right now," Reyes said.

The attorneys general say they'll be watching the effects over the next two to five years to ensure that land is restored and residents are compensated damages.

Related links:

- Colorado health department updates and test results
- EPA emergency response updates
- La Plata County emergency information
- San Juan Basin Health Department updates
- New Mexico Environment Department updates
- Navajo Nation emergency management declaration

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Long-Lasting Effect

By Matthew Brown and P. Solomon Banda

Associated Press

Thursday, August 13, 2015

(Published in print: Thursday, August 13, 2015)

Durango, Colorado — The toxic waste gushing from a Colorado mine and threatening downstream water supplies in at least three states will continue to be dangerous whenever contaminated sediments get stirred up from the river bottom, authorities said Wednesday, suggesting that there's no easy fix to what could be a long-term calamity.

The immediate impact of the 3 million gallon spill was easing as the orange-tinted contamination plume becomes more diluted on its way into Lake Powell along the Utah-Arizona border. But the strong dose of arsenic, cadmium, lead and other heavy metals is settling out as the wastewater travels downstream, layering river bottoms with contaminants sure to pose risks in the future.

"There will be a source of these contaminants in the rivers for a long time," said hydrologist Tom Myers, who runs a Nevada-based consulting business. "Every time there's a high flow it will stir it up and it will be moving those contaminants downstream."

The Environmental Protection Agency had pushed for 25 years to grant Superfund status to the partly collapsed Gold King mine and other idled mine sites leaking heavy metals above Silverton, Colo. That would have brought in major funds for a comprehensive cleanup. But local authorities spurned federal intervention, leaving a smaller EPA-led team to investigate the steady stream of pollution. That team accidentally breached a debris wall on Aug. 5, unleashing a huge pool of contaminated water.

Yellow sludge still poured from the mine a week later, rushing downhill from a spot 11,300 feet high in the Rockies. An EPA cleanup crew hastily built a series of four sedimentation ponds, bulldozing mounds of earth and covering pits in plastic. The agency announced Wednesday that the ponds were effectively reducing acidity and dissolved metals, so while the runoff has returned to the pre-spill volume of about 213 gallons per minute, it is now cleaner than it was before the spill.

Long before the accident, mines in the Silverton area that were first developed in the late 1800s had been releasing a steady stream of contaminated wastewater into area streams and rivers, leaving some of them virtually lifeless. No fish swim where the Gold King runoff flows into Cement Creek and the upper reaches of the Animas River, which in turn feeds the San Juan.

EPA tests on the sickly orange-yellow plume showed a spike in heavy metal levels that decreased as the pollution moved downstream. The tests won't be considered final until they have been validated, which usually takes seven to 10 days.

EPA officials did not immediately respond to Associated Press questions about long-term dangers, but environmental regulators in downstream New Mexico warned that sediments get kicked up by storms and high water, so it's crucial to determine where contamination settles.

Past mine waste accidents in the Rocky Mountains have shown that the impact can linger for decades, said John Stednick, a watershed scientist at Colorado State University.

The Gold King plume is already devastating to the Navajo Nation, which recently negotiated permission to pull San Juan River water through a \$20 million treatment plant it's building to provide a clean drinking resource to more of the 16,000 reservation families who still have to haul water to their homes.

Heavy metals are already present in the tribe's groundwater, and "now those same things are dumped in the river," said Rex Kontz, deputy general manager for the Navajo Tribal Utility Authority. He estimated Wednesday that meeting EPA standards for clean drinking water could double the plant's construction costs and require them to spend millions more in operating costs each year.

The EPA said it will be Monday at least, but perhaps take weeks more, before test results can help show what hazardous material is in the water. The higher the concentrations, the higher the cost of removing heavy metals. And unlike some other Native American tribes, the Navajo are not swimming in casino cash.

"This new water coming in was the avenue to creating new development and creating long-term sustainability," Kontz said. "Now it's almost like your legs were cut out from under you."

Navajo farmers are nervously waiting for someone to announce that it's OK to irrigate their crops again.

Just two weeks without water could wipe out their corn and alfalfa just before harvest, which represents an entire year's salary for some farming families. Long-term, they also worry that they'll lose the ability to market their meat and produce as free-range and organic.

Source URL:<http://www.vnews.com/news/nation/world/18156893-95/long-lasting-effect>

EPA Contractor Behind CO Mine Spill Got \$381 Million From Taxpayers

Posted By [Michael Bastasch](#) On 9:19 PM 08/12/2015 In | [No Comments](#)

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The EPA may have been trying to hide the identity of the contracting company responsible for causing a major wastewater spill in southern Colorado, but the Wall Street Journal has revealed the company's identity.

Environmental Restoration (ER) LLC, a Missouri-based firm, was the "contractor whose work caused a mine spill in Colorado that released an estimated 3 million gallons of toxic sludge into a major river system," the WSJ was told by a source familiar with the matter. The paper also found government documents to corroborate what their source told them.

So far, the EPA has refused to publicly name the contracting company used to plug abandoned mines in southern Colorado, despite numerous attempts by The Daily Caller News Foundation and other media outlets to obtain the information. It's unclear why the agency chose not to reveal the contractor's name.

What is clear, however, is that ER has gotten \$381 million in government contracts since October 2007, according to a WSJ review of data from USA Spending.gov. About \$364 million of that funding came from the EPA, but only \$37 million was given to ER for work they had done in Colorado.

When contacted by phone, TheDCNF had been informed ER's offices had closed for the day. The EPA did not return a request for comment on the WSJ's story revealing the identity of the agency's contractor.

ER contractors reportedly caused a massive wastewater spill from the Gold King Mine in southern Colorado last week. EPA-supervised workers breached a debris dam while using heavy equipment and unleashed 3 million gallons of toxic wastewater into Cement Creek. The toxic plume eventually reached the Animas River where it's been able to spread even further, forcing Colorado and New Mexico to declare a state of emergency.

The EPA has taken responsibility for the spill and has officials on the ground working with local officials to remedy the situation. Still, local officials and Native Americans are furious with the EPA over the spill, and have not ruled out legal action to make sure the agency remains accountable.

"No agency could be more upset about the incident happening, and more dedicated in doing our job to get this right," EPA Chief Administrator Gina McCarthy said in a press conference in Durango, Colorado Wednesday. "We couldn't be more sorry. Our mission is to protect human health and the environment. We will hold ourselves to a higher standard than anyone else."

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Animas River retention pools (credit: CBS)

Related Tags: Animas River, Bruce Stover, Colorado's Inactive Mine Reclamation Program, Contamination, Cynthia Coffman, Durango, Environmental Protection Agency, EPA, Gina McCarthy, Heavy Metals, Hector Balderas, John Hickenlooper, San Juan River, Wastewater

DENVER (CBS4)— A congressional committee has asked the Environmental Protection Agency Office of the Inspector General to investigate the cause of the wastewater spill into the Animas River and the EPA response.

The House Committee on Oversight and Government Reform made the request for the investigation to the Inspector General's Office. That office will evaluate the request and focus on any neglect, reckless, administrative misconduct or criminal activity by an EPA staff or contractors.

RELATED: Everything You Need To Know About The Animas River Spill

EPA director Gina McCarthy said her agency will halt all mine reclamation projects nationwide until a full review of what went wrong at the Gold King Mine can be completed.



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(credit: CBS)

"Reason for being here is because the EPA does take full responsibility," said McCarthy. "We want to make sure we are looking at all other mines so no similar activities are put on hold."

RELATED: Wednesday's Mine Spill Timeline

Her visit to Durango and public statements come one week after an EPA-supervised crew accidentally unleashed 3 million gallons of wastewater from an old mine that flowed into the Animas River.

The EPA said it will conduct an internal investigation and will seek an independent review.

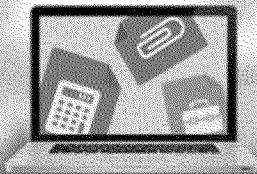
PHOTO GALLERY: Gov. Hickenlooper Tours Animas River

The Gold King Mine is one of 200 mines in the state that has site water quality issues. The millions of gallons of contaminated water that came out of the mine all at once would have come out anyway but usually over several weeks, according to the head of Colorado's Inactive Mine Reclamation Program.



The Animas River (credit: CBS)

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"Any time you have an inactive or abandoned mine people haven't been into for decades underground, it's a constantly changing, dynamic situation," said Bruce Stover, the Director of the Colorado Inactive Mine Reclamation Program.

McCarthy said the latest water testing results show that the river in Durango has returned to its former condition. That's something that Gov. John Hickenlooper confirmed on Tuesday.



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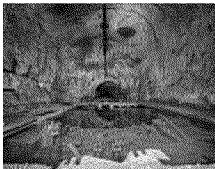
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Clearing up questions on river spill

Clifford J. Villa / Assistant Professor, UNM School of Law

Like many New Mexicans, my family and I have been made heartsick by the horrendous spill of mine waste into the Animas River. Like many people, we feel deep connections to the places that have now been polluted.

These are places where we learned to swim and fish and enjoy nature. These are also the places that inspired my dedication to protect the environment, serving more than two decades with the U.S. Environmental Protection Agency and now teaching as a professor of environmental law at the University of New Mexico School of Law.

With this perspective, I have noted much confusion concerning the legal and practical implications of this terrible incident. To help shed some light on these issues and answer some questions I have seen raised, I would like to share the following comments.

- What are the real impacts of this spill to people or the environment?

EPA toxicologists, working together with scientists from many other federal, state and tribal agencies are working to answer that question. At this point, concentrations of acid mine water and metals in the Animas River appear to be falling and presenting little risk to fish and to people who would swim, paddle and otherwise recreate on the river. However, the risk to people through drinking water still must be evaluated, as well as the risks to livestock and crops irrigated with river water. Long-term risks to the environment, will likely require more extensive evaluation.

- Can EPA be held responsible for causing this spill?

One bedrock principle in the United States is that no person or agency is above the law. However, the liability of federal agencies, as well as state and tribal governments, may be limited by an ancient rule of common law known as "sovereign immunity." Under this rule, as established by Supreme Court precedent, the federal government cannot be sued without its express consent.

Federal Superfund law waives sovereign immunity, and many federal agencies have been subject to suits under Superfund. However, it remains unclear what such a lawsuit would seek to achieve.

For example, should an affected tribe have concerns about the pace of EPA's cleanup efforts, the tribe can raise their concerns directly to EPA through a process known as "unified command." Costs for the participation of local, state and tribal governments in unified command may be reimbursed by EPA directly without the need for lawsuits.

EPA has also established a claims procedure for any individual to seek reimbursement for losses caused by this incident.

- Where is the money coming from to respond to this incident?

Most is likely to come from the federal Superfund trust fund. The trust fund provides EPA with money to conduct emergency responses, such as this one, and remediation.

- What would it mean for the Animas River watershed to be declared a "Superfund site"?

Superfund designation is essential for funding long-term cleanup beyond the emergency response phase. One common misconception is that designation as a Superfund site would mean parties could suddenly become liable for the cost of cleanup. In truth, Superfund liability and Superfund designation are entirely separate. Superfund

designation will not make any parties more liable for the cleanup than they are already today.

- What is the role of FEMA in this incident? Should the president declare a disaster?

The federal Stafford Act allows the president to designate a “major disaster” that would allow access to funds managed by FEMA. However, no disaster declaration is necessary or appropriate where, as here, other sources of funding are already available.

- Does this incident indicate a need for change in federal law?

Not necessarily. The federal Superfund law in its current form has been used successfully to address many large mine sites and mining districts.

One occasional criticism of current law concerns the alleged need for a “Good Samaritan” amendment that would allow private parties to conduct mine cleanups voluntarily. However, current law already allows interested parties to enter agreements with state and federal agencies to conduct voluntary cleanups.

Views expressed in this article are entirely the author's.

Now it's EPA that's polluting and stalling: Opinionline

6:21 p.m. EDT August 12, 2015

What others are saying about the toxic mine spill in Colorado.



The Denver Post, [editorial](http://www.denverpost.com/editorials/ci_28617082/orange-waters-fumbled-response): "The U.S. Environmental Protection Agency's clumsy, tone-deaf response to the toxic disaster on the Animas River (in Colorado) was an embarrassment even to the EPA. ... And the information wasn't only tardy — when it finally came, it was often incomplete and ill-informed. An agency accustomed to demanding answers and accountability from private polluters was unprepared when the tables were turned and its own reputation was on the line."

(Photo: Brennan Linsley, AP)

New Mexico Gov. Susana Martinez, [Fox News interview](http://video.foxnews.com/v/4413819061001/new-mexico-governor-slams-epa-over-toxic-mine-spill/?#sp=show-clips): "(The spill) is very dangerous. ... The EPA has not been communicating and has not been forthcoming with the state of New Mexico as to the different types of toxins. ... Initially, we weren't even told that the toxic spill had ended up in the river. It took them a little less than 24 hours before they told us. ... I'm hoping (the EPA) will hold (itself) to the same standards (it) would hold any other industry."

The Wall Street Journal, [editorial](http://www.wsj.com/articles/mine-busters-at-the-epa-1439336495): "Yet the demands for reparations and the media outrage are notably muted. ... Imagine how the EPA and the green lobby would be reacting if this spill had been committed by a private company. ... Naturally ... the Superfund law gives EPA cleanup crews immunity from the trial bar when they are negligent. Yet the Durango blowout was entirely avoidable. ... The mine was plugged, and the EPA was excavating in search of some notional make-work problem to solve."

The Salt Lake Tribune, [editorial](http://www.sltrib.com/opinion/2826423-155/editorial-despite-mine-plume-mistakes-epas): "If there is an early lesson here, it is that the EPA was too slow to realize the full consequences of the breach ... and warn those downstream. ... This case needs a thorough examination to avoid anything resembling a repeat elsewhere. ... At the same time, the debacle also points to the importance of the EPA's work, to enforce environmental law, and to correct the mistakes of our past."

The Durango (Colo.) Herald, [editorial](http://www.durangoherald.com/article/20150807/OPINION01/150809666/-1/Opinion): "The mining activity that largely defined the (region's) economy and culture ... has left a legacy rich in history and ... pollution. ... The region's geography and mineralogy has long affected water quality, and the mining complex exacerbates the problem. That formula is compounded by ... insufficient reclamation efforts, limited accountability and concern about the political and economic impacts of a massive cleanup effort, which is what the river needs."

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Mine spill a costly, needed wakeup call

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Mention “Superfund site” in some towns, and the locals will ask you to lower your voice. The name itself, much less what’s in it, can be toxic to tourism and property values. Many turn down the designation and the federal cleanup funds that come with it, hoping the site won’t cause problems too big to be fixed locally – and quietly.

But head downstream or downwind, and the attitudes are usually just the opposite. The sooner an old mine, nuclear waste site or malfunctioning oil rig can be cleaned up, the less worry there is that an accident will trigger an emergency that can cause short-term economic dislocation and long-term environmental damage.

Somewhere in between lies the spill at the Gold King Mine in Colorado. The photos of yellow river water are certainly alarming. But at this point, the evidence of immediate major damage – massive fish and wildlife kills and plant die-offs – has not turned up. The toxic lead, arsenic and other heavy metals have apparently settled to the bottom of the Animas and San Juan rivers before they could circulate in the food chain.

That still leaves the question of what will happen when the sediment on the river bottoms is stirred up by the higher flows of spring runoff – and how far downstream the contamination will reach. The San Juan flows into the upper reaches of Lake Powell, where 4.2 trillion gallons would normally dilute a 3 million-gallons spill. But experts are not able say how or whether the heavy metals will affect the ecosystem in the long run.

So far, no restrictions have been placed on water uses on the lake, which comes as a relief to the tourism industry centered in Page. And even upstream in Durango, Colo., officials have ruled the river safe again for recreation and use as a drinking water supply.

Caught in the middle, however, have been Navajo farmers and their families who live along the lower stretches of the San Juan River --- there are at least 16,000 people who live off 30,000 acres of crops and thousands of livestock that require river water. Just two weeks without water could wipe out their corn and alfalfa just before harvest, which represents an entire year's salary for some farming families.

And ironically, the tribe has recently negotiated rights to extra water from the San Juan, with plans to build a \$20 million treatment plant and pipe water to families who still must haul water. The worry is that the contamination will raise the cost of construction and operations to comply with EPA clean drinking water standards – even though it was the EPA that caused the spill.

The silver lining, as Colorado Gov. John Hickenlooper has pointed out, is a heightened awareness in the Four Corners region of the risks posed by abandoned gold and silver mines and the need to address them sooner, not later. Whether communities will want to work with the EPA and its Superfund program to clean up the mines is another question – rightly or wrongly,

the EPA now has a credibility problem about its competency.

If the EPA and the states have to turn to private contractors and use a term other than Superfund, so be it. Downstream communities shouldn't be penalized any longer over the semantic disputes and federal antipathies of their upstream neighbors.